



PATENT APPLICATION
MJM Docket No. 5038-073

AP/2107BR
69-1104
K. P. M. J.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Frank T. BROWN, et al.

Serial No. 09/823,254

Examiner: Vincent E. KOVALICK

Confirmation No. 6340

Filed: March 29, 2001

Group Art Unit: 2673

For: OPTICAL DRAWING TABLET

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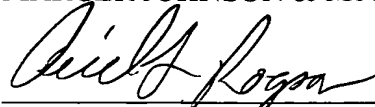
INTERVIEW SUMMARY

Responding to the Final Office Action, Paper No. 9, dated May 17, 2004, the undersigned and Examiner Kovalick spoke on July 13, 2004, and again on July 29, 2004. The undersigned pointed out that several of the claims were rejected for the first time in this Office Action, as they were versions of claims previously indicated as allowable if rewritten in independent form. For example, claim 45 is original claim 28 rewritten in independent form. Accordingly, claim 45 was rejected over the art for the first time in the Office action dated May 17, 2004, and the Office Action should not be final.

On August 3, 2004, Examiner Kovalick called the undersigned and posited that because claim 45 had previously been objected to, the finality of the Office Action was proper. On August 9, 2004, the undersigned spoke again with Examiner Kovalick and argued that under MPEP 706.07(a), for finality to be proper, the new ground for rejection would have to have been necessitated by the Applicant's amendment. The undersigned argued that rewriting a dependent claim as an independent claim does not change the substance of the claim, only its form. Accordingly, the introduction of claim 45 as a rewritten form of claim 28 did not necessitate the new ground for rejection. On August 10, 2004, Examiner Kovalick called the undersigned and agreed with this argument. The Examiner agreed to withdraw the Office Action and issue a new Office Action in its place.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

A handwritten signature in cursive script, appearing to read 'Ariel S. Rogson', written over a horizontal line.

Ariel S. Rogson, Reg. No. 43,054

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